

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

GEORGE A. JONES,

Case No. 3:14-cv-312

Plaintiff,

vs.

District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

PRINCIPAL POWERS OF THE
UNITED STATES OF AMERICA
AND THE GOVERNMENT,

Defendant.

**REPORT AND RECOMMENDATION¹ THAT THIS CASE BE: (1) BE DISMISSED
FOR FAILURE TO PROSECUTE; AND (2) TERMINATED ON THE DOCKET**

This case is presently before the Court on *pro se* Plaintiff's complaint. Doc. 1. In filing the complaint, *pro se* Plaintiff failed to either pay the appropriate filing fee required by 28 U.S.C. § 1914(a) or apply for leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. On October 15, 2014, the Court directed *pro se* Plaintiff to either pay the filing fee or apply to proceed *in forma pauperis* on or before October 29, 2014. Doc. 2. Plaintiff was then advised that his failure to pay the filing fee or apply to proceed *in forma pauperis* by the October 29th deadline could result in the dismissal of his complaint. *Id.* Although the Court afforded *pro se* Plaintiff additional time to comply with the Show Cause Order, to date, Plaintiff has neither paid the filing fee nor moved for leave to proceed *in forma pauperis*.

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

Accordingly, the undersigned **RECOMMENDS** that: (1) that *pro se* Plaintiff's complaint (doc. 1) be **DISMISSED** for failure to satisfy the pending Show Cause Order and, also, his failure to prosecute; and (2) this case be **TERMINATED** on the Court's docket. The Clerk is **ORDERED** to mail a copy of this Report and Recommendation to Plaintiff at his address of record.

Date: November 17, 2014

s/ Michael J. Newman

Michael J. Newman
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendation. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days because this Report and Recommendation is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F), and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report and Recommendation objected to, and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof. As is made clear above, this period is likewise extended to **SEVENTEEN** days if service of the objections is made pursuant to Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140, 153-55 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).